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CLINCHFIELD COAL CO. *v.* WHEELER.

Sept. 15, 1910.

[68 S. E. 1001.]

1. Master and Servant (§ 217*)—Assumption of Risk.—A servant when he enters the service of the master assumes all the ordinary risks of the service, and, as a general rule, he also assumes all risks from causes which are known to him or should be readily discernible by one of his age or capacity, in the exercise of ordinary care.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 574-600; Dec. Dig. § 217.* 9 Va.-W. Va. Enc. Dig. 692.]

2. Master and Servant (§ 217*)—Assumption of Risk.—A mature and experienced man was placed in charge of a traction motor used in hauling cars from a mine. He knew that he was undertaking to operate a motor on a 10 per cent. grade. He was instructed by an expert under whose immediate supervision he ran the motor time and again up and down the road, and under this instructor he stopped the motor and started it, applied and released the brakes, and tested its operation generally. When his attention was called to the grade, he said he had not run on a 10 per cent. grade, but on one nearly as heavy. He was cautioned to make repeated examinations of the motor, and report anything that might be wrong. Held, that he assumed the risk of injuries occasioned by his permitting the motor to get away from him.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 574-600; Dec. Dig. § 217.* 9 Va.-W. Va. Enc. Dig. 692.]

Error to Circuit Court, Russell County.

Action by A. J. Wheeler, administrator, against the Clinchfield Coal Company. There was a judgment for plaintiff, and defendant brings error. Reversed and remanded.

See, also, 108 Va. 448, 62 S. E. 269.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.